



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: MERRIMAN, Dwight Allen et al.

Appl'n No.: 10/254,923

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For: METHOD OF DELIVERY, TARGETING,
AND MEASURING ADVERTISING
OVER NETWORKS

Group Art Unit: 3627

Examiner: Harle, J.

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. 1.131
OF DWIGHT A. MERRIMAN AND KEVIN J. O'CONNOR

We, Dwight A. Merriman and Kevin J. O'Connor, declare that:

1. We are the named inventors of the claimed subject matter in the above identified patent application. We are informed that the application currently contains claims 23-44.
2. The invention as defined by the claims was completed by an actual reduction to practice prior to April 26, 1996. Evidence of this fact is shown by the following statements and the attached exhibit.
3. The actual reduction to practice included an affiliate node, an advertiser, a user node and an apparatus for advertising ("adserver"), as such terms are recited in the claims.
4. In particular, the system was tested prior to April 26, 1996 using a live affiliate Web site, <http://www.iaf.net>. The name of the IAF Web site is "Internet Address Finder", which Web site is active today.
5. To test the invented system, a link (an HTML tag) was inserted into a Web page at the IAF Web site at a position where an advertisement was to be displayed. Instead of displaying a stored banner advertisement or redirecting to an advertiser's Web site, the link at the IAF site redirected a user's browser to an adserver. The user node was implemented on a standard personal computer (PC) running a standard unmodified Internet browser.

6. An adserver was reduced to practice prior to April 26, 1996. The adserver was implemented as a live Internet node using standard PC hardware.
7. The adserver responded to an advertisement request from a user's browser based on the link from the affiliate node to select an advertisement in the form of a banner advertisement for display at the user's browser. Following click through by the user, the adserver redirected the user's browser to an advertiser. The advertiser was a standard Internet Web site.
8. The hardware for the adserver was a standard PC running the industry standard Windows NT operating system from Microsoft Corporation. The software for the adserver PC was written in the programming language C++. The portion of the C++ programming applicable to selection of advertising (the adserver function) is attached hereto as exhibit A.
9. Taking a closer look at exhibit A:
 - (a) the "GetRequest::service" method (Exhibit A, page DC 069492) shows that, depending upon the request from a user node, the adserver can respond by serving an ad to the user node via the "GetRequest::sendAd" method (Exhibit A, page DC 069494-95), or by enabling the user node to click through a served ad to the corresponding advertiser Web site via the "GetRequest::takeJump" method (Exhibit A, page DC 069495);
 - (b) in serving an ad via the "GetRequest::sendAd" method to the user node for display on the affiliate Web page:
 - i) the adserver retrieves from a database stored information about the user via the "User::lookupUser" method (Exhibit A, page DC 069499) and stored information about the affiliate Web page via the "SitePage::lookupPage" method (Exhibit A, page DC 069516);
 - ii) the stored user and page information is used to select an ad through the "Ad::getAd" method (Exhibit A, page DC 069503-04);
 - (1) the stored user and page information is used to match an ad's selection criteria in the "Ad::matches" method (Exhibit A, page DC 069502-03);
 - (2) the frequency of exposure of an ad at a user node is controlled in the "Ad::exposuresOK" method (Exhibit A, page DC 069502);


- iii) depending upon the nature of the selected ad, the adserver either retrieves the selected ad from a database and sends it to the user node via the "GetRequest::send" method (Exhibit A, page DC 069492-93), or the adserver identifies to the user node the ad's location at a different Web site, so that the user node may retrieve and display the ad.
10. The operation of each of the component nodes and the system combination of component nodes into a network of nodes was tested prior to April 26, 1996. The tests, which were witnessed prior to April 26, 1996, showed that each of the components and the system combination of components would work for its intended purpose.
11. Additional facts regarding the development of our invention and other background about the relevant technology may be found in our declarations under 37 C.F.R. 1.132, filed April 4, 2001 in Reissue Application No. 09/577,798, which are hereby incorporated by reference.
12. We, Dwight A. Merriman and Kevin J. O'Connor, individually declare under penalty of perjury that the above statements are true and correct to the best of our knowledge, information, and belief. We understand that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of any patent that issues from the above-identified patent application.

Respectfully submitted,

Date October 16, 2003


Dwight A. Merriman

Date October 17, 2003


Kevin J. O'Connor